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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,236	08/02/2001	Tony E. Hugli	SCRIP1460	8664

7590

02/25/2005

Lisa A. Haile, J.D., Ph.D.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121-2189

EXAMINER
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NOLAN, PATRICK J

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20050220

DATE MAILED:

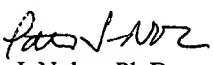
Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents

The reply filed on 12-9-04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has again elected sub-genus as a species. In the previous Non-responsive letter the Examiner indicated that virus was not a species and instructed applicant to elect a specific disease, Applicant responded by electing hepatitis. Hepatitis is caused by many different viral species, see claim 16 as an example. Therefore Applicant has not elected a single species as is required. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Nolan whose telephone number is 571-272-0847.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at 571-272-0841.

  
Patrick J. Nolan, Ph.D.  
Primary Examiner, Group 1640  
February 20, 2005